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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER	
HENNING, MATTHEW T	

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/099,931	BREMER, OLIVER	
	Examiner	Art Unit	
	Matthew T. Henning	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 June 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/18/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

This action is in response to the communication filed on 3/14/2002.

DETAILED ACTION

Claims 1-27 have been examined.

Title

The title of the invention is acceptable.

Priority

This application has no priority claimed.

Therefore, the effective filing date for the subject matter defined in the pending claims in this application is 3/14/2005.

Information Disclosure Statement

The information disclosure statement(s) (IDS) submitted on 6/18/2002 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statements.

Drawings

The drawings filed on 6/17/2002 are acceptable for examination proceedings.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because:

Line 1 recites "are provided" which can be implied and therefore must be removed.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 16, 26, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 depends from itself. Based on the claim terminology, for the purposes of searching prior art, the examiner will assume that claim 12 was meant to depend from claim 8.

Claim 16 recites the limitation "the peer-to-peer forwarding/reception of DRM protected content module" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For the purposes of searching prior art, based on the claim terminology, the examiner will assume that claim 16 was meant to depend from claim 15 and not from claim 1.

Claim 26 recites the limitation "the wireless recipient" in line 3. There is insufficient antecedent basis for this limitation in the claim. For purposes of searching prior art, the examiner will assume that this limitation was referring to the "second terminal".

Claim 27 recites the limitation "the initial message". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-11, 13-17, 19-21, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Safadi et al. (US Patent Application Publication Number 2002/0147686) hereinafter referred to as Safadi.

Regarding claim 1, Safadi disclosed a method for forwarding peer-to-peer content in a wireless network having a network infrastructure, characterized in that a wireless sender encrypts protected content or content encryption key and a wireless recipient consumes the protected content without requiring content personalization assistance from the network infrastructure (See Safadi Paragraphs 0032, 0036-0037, and 0044).

Regarding claim 8, Safadi disclosed a wireless network having wireless terminals and a network infrastructure for forwarding peer-to-peer content from one wireless terminal to another wireless terminal, characterized in that at least two wireless terminals comprise a peer-to-peer forwarding/reception of DRM protected content module for either encrypting or consuming protected content without content personalization assistance from the network infrastructure (See Safadi Paragraphs 0032, 0036-0037, and 0044).

Regarding claim 15, Safadi disclosed a wireless terminal for operating in a wireless network having another wireless terminal and a network infrastructure for forwarding peer-to-peer content from the wireless terminal to the other wireless terminal, characterized in that each wireless terminal comprises a peer-to-peer forwarding/reception of DRM protected content module for either encrypting, consuming, or a combination thereof, protected content without content personalization assistance from the network infrastructure (See Safadi Paragraphs 0032, 0036-0037, and 0044).

Regarding claims 2, 9, and 16, Safadi disclosed that the wireless sender sends an initial message having an international mobile equipment identity, a sender name or mobile station international integrated subscriber digital network number to the wireless recipient (See Safadi Paragraph 0042).

Regarding claim 3, Safadi disclosed that the wireless recipient sends a device certificate having a public key to the wireless sender (See Safadi Paragraphs 0036 and 0041).

Regarding claims 4, 11, and 17, Safadi disclosed that that the wireless sender personalizes the protected content or content encryption key for the wireless recipient (See Safadi Paragraphs 0036-0037 and 0044).

Regarding claims 6, 13, and 20, Safadi disclosed that the wireless recipient verifies forwarded protected content received from the wireless sender by: verifying the device certificate of the wireless sender (See Safadi Paragraph 0043); and applying a private key of the wireless recipient in order for the recipient to consume the protected content (See Safadi Paragraphs 0036-0037 and 0044).

Regarding claims 7, 14, and 21, Safadi disclosed that the protected content is digital rights management protected content (See Safadi Paragraph 0034).

Regarding claims 10, and 19, Safadi disclosed that the peer-to-peer forwarding/reception of DRM protected content module of a wireless sender sends a device certificate having a public key to the wireless sender (See Safadi Paragraphs 0036-0037 and 0042).

Regarding claim 27, Safadi disclosed that the initial message includes a device certificate to the wireless recipient (See Safadi Paragraph 0042).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 12, 18, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Safadi as applied to claims 4, 8, and 17 respectively above, and further in view of Mott et al. (US Patent Number 6,170,060) hereinafter referred to as Mott.

Safadi disclosed that the steps for personalizing include: encrypting the content or content encryption key using a public key of the wireless recipient (See Safadi Paragraphs 0036-0037); and sending the protected content or content encryption key and a device certificate of the

wireless sender to the wireless recipient (See Safadi Paragraphs 0042 and 0044), but failed to disclose signing encrypted content or content encryption key using a private key of the wireless sender, or sending the protected content with a device certificate of the sender.

Mott teaches that a digital signature should be appended to downloaded content in order to be able to verify the data (See Mott Col. 11 Paragraph 2).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Mott in the content distribution system of Safadi by including a signature of the content with the content. This would have been obvious because the ordinary person skilled in the art would have been motivated to provide a means for the recipient to verify the integrity of the data. Further, it was well known in the art at the time of invention that the certificate of a signor could be included with the signed object and therefore it would have been obvious to the ordinary person skilled in the art to have done so.

Regarding claim 22, the combination of Safadi and Mott disclosed a method for forwarding a protected content or content encryption key from a first terminal to a second terminal, comprising the steps of: sending an initial message from a first terminal to a second terminal (See Safadi Paragraph 0042); sending a digital rights management device certificate containing a public digital rights management key from the second terminal to the first terminal (See Safadi Paragraph 0041); verifying the public digital rights management key by the first terminal (See Safadi Paragraph 0041); personalizing digital rights management content or content encryption key by encryption using a public key of the second terminal (See Safadi Paragraphs 0036-0037 and 0044); signing encrypted digital rights management content or content encryption key using a private digital rights management key of the first terminal (See

the rejection of claim 5 above); sending encrypted and signed digital rights management content or content encryption key together with a digital rights management device certificate of the first terminal from the first terminal to the second terminal (See the rejection of claim 5 above); verifying the digital rights management device certificate of the first terminal by the second terminal (See Safadi Paragraph 0043); and applying a private digital rights management key of the second terminal, if the private digital rights management key of the first terminal is verified, in order for the second terminal to consume the protected content (See Safadi Paragraph 0044).

Regarding claim 23, see the rejection of claim 2 above.

Regarding claim 26, see Safadi Paragraph 0042).

Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Safadi and Mott as applied to claim 23 above, and further in view of Gustafsson (US Patent Number 6,424,841).

Safadi and Mott disclosed sending encrypted and signed digital rights management content to the first terminal and verifying the same in the first terminal (See the rejection of claim 22 above), but failed to disclose sending confirmation or error messages. However, Safadi and Mott did disclose that the communications were with a cell phone (See Safadi Paragraph 0033).

Gustafsson teaches that in a mobile phone system, acknowledgment messages should be provided to the sender of a message by the recipient (See Gustafsson Col. 2 Paragraphs 3-4).

It would have been obvious to the ordinary person skilled in the art at the time of invention to employ the teachings of Gustafsson in the content distribution system of Safadi and Mott by having the receiver either acknowledge proper receipt of the content or send an error

message to the sender. This would have been obvious because the ordinary person skilled in the art would have been motivated to ensure proper receipt of the content.

Conclusion

Claims 1-27 have been rejected.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Futamura et al. (US Application Publication 2002/0026582) disclosed a system for distributing personalized content between peers without the use of a third party.

b. Saito et al. (Patent Number 6,069,952) disclosed a system for distributing personalized content.

c. Hori et al. (US Application Publication 2004/0010467) disclosed a system for transferring content from one user to another.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Henning
Assistant Examiner
Art Unit 2131
11/28/2005

CLL
Primary Examiner
AU 2131
12/1/05